



February 14, 2014

ENGROSSED HOUSE BILL No. 1323

DIGEST OF HB 1323 (Updated February 12, 2014 1:22 pm - DI 104)

Citations Affected: IC 21-44.5; IC 34-30.

Synopsis: Epinephrine in institutions of higher education. Allows a postsecondary educational institution to develop a policy for the emergency administration of an auto-injectable epinephrine to a student, faculty member, or staff member under certain circumstances. Sets forth requirements for the policy and for those employees who act as trained designees and administer the epinephrine. Requires the state department of health to set forth guidelines for the policies. Allows a health care provider to write a prescription for epinephrine for a postsecondary educational institution and allows a pharmacist to dispense the prescription. Requires storage of the epinephrine in a safe location. Provides for civil immunity for licensed campus medical professionals, trained designees, and certain healthcare providers in the administration of epinephrine in compliance with the policy and guidelines.

Effective: Upon passage.

Ober, Davisson, Lucas, Smith V

(SENATE SPONSORS — MILLER PATRICIA, GROOMS)

January 15, 2014, read first time and referred to Committee on Education.

January 27, 2014, reported — Do Pass.

January 29, 2014, read second time, ordered engrossed. Engrossed.

January 30, 2014, read third time, passed. Yeas 90, nays 0.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Health and Provider Services.

February 13, 2014, amended, reported favorably — Do Pass.

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February 14, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1323

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 21-44.5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **ARTICLE 44.5. EPINEPHRINE ADMINISTRATION**
5 **PROGRAM**

6 **Chapter 1. Definitions**

7 **Sec. 1. The definitions in this chapter apply throughout this**
8 **article.**

9 **Sec. 2. "Licensed campus medical professional" means any of**
10 **the following individuals who are employed by or have contracted**
11 **with a postsecondary educational institution and are designated by**
12 **the postsecondary educational institution to serve in such a**
13 **capacity under IC 21-44.5-2-2(b):**

- 14 (1) A physician licensed under IC 25-22.5.
15 (2) A physician assistant licensed under IC 25-27.5.
16 (3) An advanced practice nurse or registered nurse who is

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1 licensed under IC 25-23.

2 Sec. 3. "Member of the campus community" refers to an
3 individual who is a student, faculty member, or staff member of a
4 postsecondary educational institution.

5 Sec. 4. "Trained designee" means a member of the campus
6 community trained by a licensed campus medical professional in
7 the emergency administration of auto-injectable epinephrine.

8 Chapter 2. Emergency Administration of Epinephrine Policies
9 and Guidelines

10 Sec. 1. A postsecondary educational institution may develop a
11 policy in accordance with this chapter and guidelines issued by the
12 commission for higher education under section 4 of this chapter for
13 the emergency administration of auto-injectable epinephrine to a
14 member of the campus community for anaphylaxis when a medical
15 professional is not available.

16 Sec. 2. (a) A policy described in section 1 of this chapter must
17 include the following:

18 (1) Permission for a trained designee to do the following:

19 (A) Under the guidance of a licensed campus medical
20 professional, administer auto-injectable epinephrine to a
21 member of the campus community for anaphylaxis when
22 a licensed campus medical professional is unavailable.

23 (B) When responsible for the safety of at least one (1)
24 member of the campus community, carry in a secure but
25 accessible location a supply of auto-injectable epinephrine
26 that is prescribed under a standing protocol from a
27 physician licensed under IC 25-22.5.

28 (2) Provisions that a licensed campus medical professional has
29 responsibility for training designees in the following:

30 (A) The administration of auto-injectable epinephrine.

31 (B) Identification of an anaphylactic reaction and
32 indications for when to use epinephrine.

33 (b) Each postsecondary educational institution that develops a
34 policy under this chapter shall designate a licensed campus medical
35 professional.

36 (c) A licensed campus medical professional may do the
37 following:

38 (1) Establish and administer a standardized training protocol
39 for the emergency administration of epinephrine by trained
40 designees.

41 (2) Ensure that trained designees have satisfactorily
42 completed the training protocol.



(3) Obtain a supply of auto-injectable epinephrine under a standing protocol from a physician licensed under IC 25-22.5.

(4) Control distribution to trained designees of auto-injectable epinephrine.

Sec. 3. An individual must meet the following requirements in order to be a trained designee:

(1) Be at least eighteen (18) years of age.

(2) Have, or reasonably expect to have, responsibility for at least one (1) other member of the campus community as a result of the individual's employment.

(3) Have satisfactorily completed the standardized training protocol established and administered by a licensed campus medical professional in accordance with guidelines developed by the commission for higher education under section 4 of this chapter.

Sec. 4. The state department of health, in consultation with the commission for higher education, shall establish guidelines for the development of a policy by a postsecondary educational institution for the emergency administration of epinephrine to a member of the campus community for anaphylaxis when a medical professional is unavailable. In the emergency administration of epinephrine, the guidelines must address the responsibilities of the following:

(1) The postsecondary educational institution.

(2) The licensed campus medical professional.

(3) The trained designee.

Sec. 5. (a) A postsecondary educational institution may fill a prescription for auto-injectable epinephrine and store the auto-injectable epinephrine on the campus if a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication writes the prescription for auto-injectable epinephrine for the postsecondary educational institution.

(b) The postsecondary educational institution shall store the auto-injectable epinephrine in a safe location in which only postsecondary educational institution personnel have access.

(c) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may write a prescription, drug order, or protocol for auto-injectable epinephrine for the postsecondary educational institution.

(d) A pharmacist licensed under IC 25-26 may dispense a valid prescription, drug order, or protocol for auto-injectable



1 epinephrine issued in the name of a postsecondary educational
2 institution.

3 **Sec. 6. (a) A licensed campus medical professional who acts in**
4 **accordance with this chapter is not liable for civil damages for any**
5 **act or omission committed in accordance with this chapter unless**
6 **the act or omission constitutes gross negligence or willful or**
7 **wanton misconduct.**

8 **(b) A trained designee who administers auto-injectable**
9 **epinephrine in accordance with this chapter is not liable for civil**
10 **damages resulting from the administration of auto-injectable**
11 **epinephrine under this chapter unless the act or omission**
12 **constitutes gross negligence or willful or wanton misconduct.**

13 **(c) A licensed health care provider who writes a prescription,**
14 **drug order, or protocol under this chapter is not liable for civil**
15 **damages resulting from the administration of auto-injectable**
16 **epinephrine under this chapter unless the act or omission**
17 **constitutes gross negligence or willful or wanton misconduct.**

18 **Sec. 7. Nothing in this chapter may be construed to:**

19 **(1) permit a trained designee to perform the duties or fill the**
20 **position of a licensed campus medical professional;**

21 **(2) prohibit the administration of a pre-filled auto-injector of**
22 **epinephrine by a person acting under a lawful prescription;**
23 **or**

24 **(3) prevent a licensed and qualified member of a health care**
25 **profession from acting within the individual's scope of**
26 **practice in administering auto-injectable epinephrine.**

27 **SECTION 2. IC 34-30-2-86.4 IS ADDED TO THE INDIANA**
28 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
29 **[EFFECTIVE UPON PASSAGE]: Sec. 86.4. IC 21-44.5-2-5**
30 **(Concerning licensed campus medical professionals, trained**
31 **designees, and licensed health care providers and the**
32 **administration of auto-injectable epinephrine).**

33 **SECTION 3. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1323, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1323 as introduced.)

Committee Vote: Yeas 11, Nays 0

Representative Behning

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1323, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 10, after "by" insert "**or have contracted with**".

Page 3, line 16, after "The" insert "**state department of health, in consultation with the**".

Page 3, line 16, delete "in consultation".

Page 3, delete line 17.

Page 3, line 18, delete "health,".

Page 3, between lines 26 and 27, begin a new paragraph and insert:

"Sec. 5. (a) A postsecondary educational institution may fill a prescription for auto-injectable epinephrine and store the auto-injectable epinephrine on the campus if a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication writes the prescription for auto-injectable epinephrine for the postsecondary educational institution.

(b) The postsecondary educational institution shall store the auto-injectable epinephrine in a safe location in which only postsecondary educational institution personnel have access.

(c) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may write a prescription, drug order, or protocol for auto-injectable epinephrine for the postsecondary educational institution.

(d) A pharmacist licensed under IC 25-26 may dispense a valid prescription, drug order, or protocol for auto-injectable

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epinephrine issued in the name of a postsecondary educational institution."

Page 3, line 27, delete "5." and insert "**6.**".

Page 3, line 42, delete "6." and insert "**7.**".

and when so amended that said bill do pass.

(Reference is to HB 1323 as printed January 27, 2014.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 10, Nays 0.

